REMARKS

The Meeting With The Examiner.

The meeting with examiner Mark Rosenbaum on 10 June 2010 is acknowledged with appreciation. The examiner's summary of the meeting is accurate as to what transpired.

The Amendment (specification and claims).

The specification is amended to provide language corresponding to that used in the present claims. No new matter is presented. The downward flow path is discussed in the specification and shown in the drawings (see, for example, Fig. 14 wherein the downward flow path through the hopper outlet 82, shutter aperture 80 and into grinder mechanism 112 is shown).

Claims 2-3 are cancelled without prejudice and without disclaimer of the subject matter therein. Claims 4, 5, 6 and 20 are amended. New dependent claim 25 (similar to claim 7) is added.

The 35 U.S.C. 103 rejection of claims 1, 3-5, 11-14 and 16-22.

Claims 1, 3-5, 11-14 and 16-22 stand rejected as unpatentable over admitted prior art (APA) in view of either Maguire (U.S. Patent No. 6,057,514) or Bianco (International Application No. PCT/US97/07344). Applicant's specification discloses prior art grinding machines. As discussed in Applicant's specification the prior art discloses a gate to control the flow from the hopper to the grinder. Maguire discloses a slide gate 19 to release material stored in the hopper 12. Bianco discloses a slide 150 having an opening 160 for releasing material stored in silo (hopper) 54.

Claim 1.

Applicant's claim 1 is directed to a grinding machine comprising a grinder assembly, at least one removable hopper, a displaceable shutter carried on the hopper and a slide gate mechanism for controllably opening and closing passage of material from the hopper to the grinder assembly for grinding material therein. APA does not teach or suggest the combination of a grinder assembly, hopper, displaceable shutter and a slide gate as recited in claim 1. APA's disclosure relates only to a flow control gate, not to the combination of a displaceable shutter and a slide gate as recited in claim 1. Maguire does not teach or suggest a grinder and Maguire's disclosure of slide gate 19 is not the teaching or suggestion of the combination of a displaceable shutter and a slide gate as recited in claim 1. Bianco's disclosure of slide 150 is not the teaching

or suggestion of the combination of a displaceable shutter and a slide gate as recited in claim 1. As discussed at the meeting with the examiner there is no teaching or suggestion in the prior art of record of the grinding machine combination of claim 1 including a grinder assembly, at least one removable hopper, a displaceable shutter carried on the hopper and a slide gate mechanism for controllably opening and closing passage of material from the hopper to the grinder assembly for grinding material therein.

For at least these reasons withdrawal of the rejection of claim 1 is respectfully requested.

Claim 3.

Claim 3 is cancelled.

Claim 4.

Claim 4 is directed to a method of selectively grinding food substances comprising providing a grinder, providing a plurality of hoppers, providing a shutter displaceably carried on each hopper, providing an aperture in the shutter, selectively placing a hopper on the grinder, selectively removing a hopper from the grinder in a non-vertical orientation and selectively positioning one of the plurality of hoppers on the grinder assembly for dispensing of a different food substance therefrom along a continuously downward flow path to the grinder assembly for grinding.

The prior art of record does not provide a teaching or suggestion of steps including providing a continuously downward flow path to the grinder assembly when the hopper is placed on the grinder assembly. APA's flow control gate is not a disclosure of providing a hopper, shutter aperture, grinder and a downward flow path to the grinder when the hopper is placed on the grinder. Because Maguire does not disclose a grinder there is no step of providing a downward flow path to the grinder. Bianco's flow path includes a horizontal conveyor 62 so as to provide flow to opposite ends of a horizontal flow path. There is no teaching or suggestion in Bianco of providing a continuously downward flow path to the grinder assembly as recited in claim 4.

For at least these reasons withdrawal of the rejection of claim 4 is respectfully requested.

Claim 5.

Claim 5 is directed to a substance dispensing machine comprising a dispensing control unit, at least one substance retaining hopper, a shutter operatively carried on the hopper, an aperture defined in the shutter and with placement of the hopper on the dispensing control unit providing a continuous downward flow path from the hopper to the dispensing control unit. There is no teaching or suggestion in the prior art of record of the substance dispensing machine combination of claim 5 including at least one hopper, a shutter carried on the hopper and a dispensing control unit for controllably dispensing a substance.

APA's flow control gate, Maguire's slide gate 19 and Bianco's slide 150 teach a single flow control, but do not provide a teaching or suggestion of the combination of a shutter carried on the hopper and a dispensing control unit with placement of the hopper on the dispensing control unit providing a continuous downward flow path from the hopper to the dispensing control unit as recited in claim 5.

For at least these reasons withdrawal of the rejection of claim 5 is respectfully requested.

Claims 11-12.

Claims 11-12 are dependent on claim 1 and avoids the prior art for at least the same reasons as noted above with respect to claim 1.

Claim 13.

Claim 13 is directed to a grinding machine comprising a grinder assembly, at least one removable hopper, a displaceable shutter carried on the hopper and a slide gate mechanism for controllably opening and closing passage of material from the hopper to the grinder assembly for grinding material therein. APA does not teach or suggest the combination of a grinder assembly, hopper, displaceable shutter and a slide gate as recited in claim 13. APA's disclosure relates only to a flow control gate, not to the combination of a displaceable shutter and a slide gate as recited in claim 13. Maguire does not teach or suggest a grinder and Maguire's disclosure of slide gate 19 is not the teaching or suggestion of a displaceable shutter and a slide gate as recited in claim 13. Bianco's disclosure of slide 150 is not the teaching or suggestion of a displaceable shutter and a slide gate as recited in claim 13. As discussed at the meeting with the examiner there is no teaching or suggestion in the prior art of record of the grinding machine combination of claim 13 including a grinder assembly, at least one removable hopper, a displaceable shutter

carried on the hopper and a slide gate mechanism for controllably opening and closing passage of material from the hopper to the grinder assembly for grinding material therein.

For at least these reasons withdrawal of the rejection of claim 13 is respectfully requested.

Claims 14 and 16-17.

Claims 14 and 16-17 are dependent on claim 13 and avoid the prior art for at least the same reasons as noted above with respect to claim 13.

Claim 18.

Claim 18 is directed to a method of grinding material comprising providing a grinder assembly, at least one hopper, a shutter on the hopper, an aperture on the shutter and a slide gate mechanism on the grinder assembly, positioning the hopper on the grinder assembly and controllably operating the slide gate for opening and closing passage of material from the hopper to the grinder assembly for grinding material therein.

As discussed above the prior art of record does not provide a teaching or suggestion of providing a shutter on the hopper and a slide gate on the grinder. APA's flow control gate does not describe steps of providing a hopper, shutter with aperture, grinder and a slide gate to control flow to the grinder. Maguire does not disclose a grinder and consequently there is no step of providing a slide gate on a grinder. Bianco provides a slide gate 150 for control of flow from the hopper to a horizontal conveyor 62 so as to provide flow to opposite ends of a horizontal flow path. There is no teaching or suggestion in Bianco of providing a slide gate to control flow to a grinder and no step of positioning the hopper on the grinder assembly.

For at least these reasons withdrawal of the rejection of claim 18 is respectfully requested.

Claim 19.

Claim 19 is dependent on claim 18 and avoids the prior art for at least the same reasons as noted above with respect to claim 18.

Claim 20.

Claim 20 is directed to a dispensing machine comprising a dispensing control unit, at least one substance retaining hopper, a shutter operatively attached to the hopper, an aperture defined in the shutter, a slide gate mechanism in the dispensing control unit and wherein the hopper is arranged on the substance dispensing control unit to provide a continuous downward flow path from the hopper to the dispensing control unit. As discussed above, there is no teaching or suggestion in the prior art of record of a substance dispensing machine combination including at least one hopper, a shutter carried on the hopper, a slide gate mechanism and a continuous downward flow path from the hopper to the dispensing control unit for controllably dispensing a substance.

APA's flow control gate, Maguire's slide gate 19 and Bianco's slide 150 teach a single flow control, but do not provide a teaching or suggestion of the combination of a shutter carried on the hopper and a slide gate in a dispensing control unit nor do they teach or suggest the continuous downward flow path as recited in claim 20.

Claim 21.

Claim 21 is directed to a method of positioning a hopper on a grinder and removing the hopper from the grinder comprising providing a grinder assembly, a slide gate mechanism on the grinder assembly, at least one hopper, positioning a displaceable shutter carried on the hopper in an open position when the hopper is positioned on the grinder and being positionable in a closed position when the hopper is removed from the grinder and controllably opening and closing the slide gate mechanism including a slide gate and a mover linked to the slide gate.

As discussed above, APA's flow control gate, Maguire's slide gate 19 and Bianco's slide 150 teach a single flow control, but do not provide a teaching or suggestion of the combination of steps as recited in claim 21 wherein a shutter carried on the hopper and a slide gate on a grinder assembly provide flow control.

Claim 22.

Claim 22 is dependent on claim 21 and avoids the prior art for at least the same reasons as noted above with respect to claim 21.

The 35 U.S.C. 102 rejection of claims 2, 6 and 7.

Claims 2, 6 and 7 stand rejected as anticipated by Maguire (U.S. Patent No. 6,057,514) or Bianco (International Application No. PCT/US97/07344).

Claim 2.

Claim 2 is cancelled.

Claim 6.

Claim 6 is directed to a method of positioning a hopper on a grinder and removing the hopper from the grinder comprising providing a grinder, providing at least one hopper, providing a shutter displaceably carried on the hopper, providing an aperture in the shutter that is alignable with the passage for dispensing food substance from the hopper along a continuous downward flow path to the grinder when the hopper is placed on the grinder, selectively positioning the hopper on the open top assembly by moving the hopper in a generally non-vertical orientation, and selectively removing a hopper from the grinder in a non-vertical orientation.

As discussed above with respect to, for example, claim 4 the prior art of record does not provide a teaching or suggestion of steps including providing a continuous downward flow path to the grinder when the hopper is placed on the grinder. APA's flow control gate does not describe the steps of providing a hopper, shutter aperture, grinder and a downward flow path to the grinder when the hopper is placed on the grinder. Maguire does not disclose a grinder and consequently there is no step of providing a downward flow path to the grinder. Bianco provides flow to a horizontal conveyor 62 so as to provide flow to opposite ends of a horizontal flow path. There is no teaching or suggestion in Bianco of providing a continuous downward flow path to the grinder when the hopper is placed on the grinder

For at least these reasons withdrawal of the rejection of claim 6 is respectfully requested.

Claim 7.

Claim 7 is dependent on claim 6 and avoids the prior art for at least the same reasons as noted above with respect to claim 6.

Conclusion.

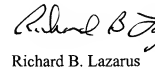
For all of the above reasons the rejection of the present claims is not proper. Withdrawal of the above-noted rejections is respectfully requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

If necessary to effect a timely response, this paper may be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (27726-95687).

Respectfully submitted,

BARNES & THORNBURG LLP



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